

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Plaintiff,

Case No. 12-11500

v.

Hon. John Corbett O'Meara
Magistrate Judge David R. Grand

PHYSIOMATRIX, INC., *et al.*,

Defendants.

**ORDER OVERRULING OBJECTIONS TO
MAGISTRATE JUDGE'S APRIL 24, 2014 ORDER**

Before the court are the parties' objections to Magistrate Judge David R. Grand's April 24, 2014 order, which resolved several motions. See Docket No. 290. Defendants Dr. Kallil Kazan and Dr. Naim Khanafer and Defendants/Counter-Plaintiffs Physiomatrix, Inc. and Genex Physical Therapy, Inc. object to the magistrate judge's ruling that they failed to provide discovery regarding their lost profits, business operating expenses, or legal fees and that they may not seek such damages at trial. Plaintiff/Counter-Defendant State Farm Mutual Automobile Insurance Company objects to the portion of the magistrate judge's order denying them leave to file an amended complaint.

The court may modify or set aside any portion of the magistrate judge's

order that is “clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A). See also Fed. R. Civ. P. 72(a). “A finding is ‘clearly erroneous’ when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” Anderson v. City of Bessemer City, 470 U.S. 564, 573 (1985) (quoting United States v. U. S. Gypsum Co., 333 U.S. 364, 395 (1948)). The court may not disturb the magistrate’s factual findings “even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently.” Id. The court allows the magistrate’s legal conclusions to stand unless they are “contrary to law.” Gandee v. Glaser, 785 F. Supp. 684, 686 (S.D. Ohio 1992) aff’d, 19 F.3d 1432 (6th Cir. 1994).

Having reviewed the record and the parties’ objections, the court finds that Magistrate Judge Grand’s April 24, 2014 order is neither clearly erroneous nor contrary to law.

Therefore, IT IS HEREBY ORDERED that the parties’ objections (Docket Nos. 301 and 302) to Magistrate Judge Grand’s April 24, 2014 order are OVERRULED.

s/John Corbett O’Meara
United States District Judge

Date: June 12, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 12, 2014, using the ECF system.

s/William Barkholz
Case Manager